



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11.04.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6305 of 2022

1. Vivetha
2. Chinnadurai
3. Saraswathy @ Sarasu ... Petitioners/Accused No.2,5&6

Vs

State through
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
(Crime No.7 of 2022)

... Respondent/Complainant

For Petitioners: Mr.R.Rajamohan,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side).

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.7 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.2, A.5 & A.6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 494, 294(b) and 506(1) IPC, in Crime No.7 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused and the defacto complainant are husband and wife and after marriage, the petitioners demanded more dowry and harassed her, in this regard, a case in Crime No.10 of 2013 has been registered against them and HMOP.No.198 of 2015 is also pending and while so during June 2018, the first accused had married the first petitioner, who is arrayed as second accused, and when the same was questioned by the defacto



complainant, the petitioners criminally intimidated her. Hence, the complaint.

3.The learned counsel for the petitioners would submit that during the trial in HMOP filed for divorce, the defacto complainant has raised a question that the first accused had entered into second marriage and the same was denied by him, that two complaints preferred earlier were already ordered to be closed, that another complaint for dowry harassment is pending in C.C.No.119 of 2014 on the file of the Judicial Magistrate, Uthamapalayam, and that as per order of this Court, HMOP.No.198 of 2015 was transferred and now is pending on the file of the Sub Court, Uthamapalayam.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that no one was injured in the incident.

5.Considering the facts that there existed matrimonial dispute between the parties, that no one was injured in the incident, that the petitioners are not having any bad antecedents and that except the offence under Section 506(1) IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the second petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation and the petitioners 1 and 3 shall report before the respondent police as and when required for interrogation.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the



learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/04/2022

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/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
UTHAMAPALAYAM,
THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC TO MR.R.RAJAMOHAN, Advocate (SR-17859[F] dated 11.04.2022)

ORDER

IN

CRL OP(MD) No.6305 of 2022

Date :11/04/2022

RS/PN/SAR.2 (20.04.2022) 3P-6C